

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WATERFORD TOWNSHIP POLICE & FIRE      :
RETIREMENT SYSTEM, on Behalf of Itself :
and All Others Similarly Situated,     :      23cv10488 (DLC)
:
Plaintiff,                             :      ORDER
:
-v-                                     :
:
NATIONAL INSTRUMENTS                   :
CORPORATION, EMERSON ELECTRIC          :
CO., ERIC STARKLOFF, KAREN RAPP, and  :
DANIEL BERENBAUM,                     :
Defendants.                             :
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DENISE COTE, District Judge:

On November 30, 2023, plaintiff filed a class action lawsuit on behalf of all persons who sold National Instruments Corporation ("NATI") common stock between May 25, 2022 and January 17, 2023. The complaint alleges violations of §§ 10(b) and 20(a) of the Securities Exchange Act of 1934 ("1934 Act").

Section 78u-4(a)(3)(A) of the Private Securities Litigation Reform Act ("PSLRA"), 15 U.S.C. § 78u-4(a)(3)(A), requires that:

Not later than 20 days after the date on which the complaint is filed, the plaintiff or plaintiffs shall cause to be published, in a widely circulated national business-oriented publication or wire service, a notice advising members of the purported plaintiff class--

(I) of the pendency of the action, the claims asserted therein, and the purported class period; and

(II) that, not later than 60 days after the date on which the notice is published, any member of the purported class may move the court to serve as lead plaintiff of the purported class.

15 U.S.C. § 78u-4(a)(3)(A)(i). The PSLRA also requires that not later than 90 days after the date on which notice is published, the Court shall consider any motion made by a purported class member in response to the notice, and shall appoint as lead plaintiff the member or members of the purported plaintiff class that the Court determines to be most capable of adequately representing the interests of class members. See id. § 78u-4(a)(3)(B)(i). In the event that more than one action on behalf of a class asserting substantially the same claim or claims has been filed, and any party has sought to consolidate those actions for pretrial purposes or for trial, the Court shall not appoint a lead plaintiff until after a decision on the motion to consolidate is rendered. See id. § 78u-4(a)(3)(B)(ii).

Plaintiff's counsel appears to have published the required notice on November 30, 2023. Members of the purported class therefore have until **January 29, 2024**, to move the Court to serve as lead plaintiffs. Accordingly, it is hereby

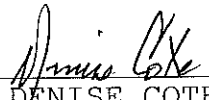
ORDERED that a conference shall be held at **10:00 AM** on **February 16, 2024**, in Courtroom 18B, United States Courthouse, 500 Pearl Street, New York, New York to consider any motions for

appointment of lead plaintiff and lead counsel and for consolidation.

IT IS FURTHER ORDERED that opposition to any motion for appointment of lead plaintiff shall be served and filed by **February 9, 2024**.

IT IS FURTHER ORDERED that the named plaintiff shall promptly serve a copy of this Order on each of the defendants.

Dated: New York, New York
December 4, 2023



DENISE COTE
United States District Judge